

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In re:

Vitamins Antitrust Litigation

This document relates to:

*Hill's Pet Nutrition, Inc.,
Plaintiff,*

v.

*F. Hoffman-La Roche, Lt., et al.,
Defendants.*

MDL No. 1285

Misc. No. 99-0197 (TFH)

FILED

OCT 17 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**STIPULATED ORDER FOR ADDITIONAL TIME FOR PLAINTIFF HILL'S
PET NUTRITION, INC. TO SUPPLEMENT ITS MOTION FOR SUMMARY
JUDGMENT AGAINST DEFENDANT BIOPRODUCTS INCORPORATED**

Whereas, the September 17, 2002 Report and Recommendations of the Special Master Respecting Plaintiffs' Joint Motion to Compel Bioproducts to Produce its Governmental Submissions (the "Report") recommends that defendant Bioproducts Incorporated ("Bioproducts") be ordered to produce its submissions to the European Commission (the "EC") and to produce certain of its submissions to Canada;

Whereas, on or about September 23, 2002, Bioproducts filed objections to the Report insofar as the Report recommends that Bioproducts be ordered to produce certain of its submissions to Canada;

Whereas, on or about September 26, the EC filed a motion for leave to file Rule 53 objections to the Report insofar as the Report recommends that Bioproducts be ordered to produce its EC submissions;

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Whereas, on or about September 27, 2002, plaintiffs filed an opposition to the EC's motion for leave to file Rule 53 objections to the Report;


Whereas, plaintiff Hill's Pet Nutrition, Inc.'s reply in support of its motion for summary judgment against Bioproducts was filed on September 30, 2002;

So as not to prejudice plaintiff Hill's Pet Nutrition, Inc. ("Hill's Pet") in supporting its motion for summary judgment against Bioproducts while Bioproducts' objections and the EC's motion for leave are pending, Hill's Pet and Bioproducts hereby agree and stipulate that Hill's Pet shall (1) have until ten (10) days from the receipt of Bioproducts' EC submissions, if the Court denies the EC's motion for leave or otherwise adopts the Report with respect to production of Bioproducts' EC submissions, and (2) have until ten (10) days from the receipt of some or all of Bioproducts' Canadian submissions, if the Court adopts the Report with respect to production of certain of Bioproducts' Canadian submissions or otherwise orders Bioproducts to produce all or part of its Canadian submissions, to supplement Hill's Pet's summary judgment motion against Bioproducts. Any supplements to its summary judgment motion that Hill's Pet files pursuant to this stipulation shall be limited in substance to matters raised by Bioproducts' EC and/or Canadian submissions.

This Stipulation is entered into by Hill's Pet and Bioproducts only and is not intended to determine or effect in any way Hill's Pet's right to seek leave from the Court to supplement its summary judgment motion as it pertains to other Defendants.

Dated: October 10, 2002

Respectfully submitted,



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SO ORDERED:



The Honorable Thomas F. Hogan
United States District Judge

Dated: Oct. 17, 2002